

CEY-01, An Unincorporated Association, Pro se  
Dennis Gray, Administrator  
C/o 954 Surrey Drive  
Bonita, California state [91902]  
non-domestic without US

FILED  
08 APR 17 AM 9:20  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

**IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

CEY-01, An Unincorporated Association )  
Plaintiff )

Vs. )

BANK OF AMERICA )  
Defendant )

CIVIL ACTION NO.

'08 CV U70U LAB LSP

**COMPLAINT FOR DAMAGES**

With Supplemental of Jurisdiction

Pursuant to 28 USC 1367

COMES NOW CEY-01, Plaintiff as above stated with the following Petition of  
Complaint for Damages concerning the real property of the petitioner know as 1815 Sunrise  
Bluff Drive, San Diego CA 92154. This Complaint for Damages is set forth on the following  
grounds with;

**APPLICABLE LAW**

The following Applicable Statues are set forth in this as Mandatory Authority;

Mandatory Authority

28 U.S.C.A. 1367, 28 U.S.C.A. 1367(a), 28 U.S.C.A. 1367(e) (d), 11 U.S.C.A 362(C), 12 U.S.C. 3752(1), 12 U.S.C. 3755 12 U.S.C. 3752(3), 12 U.S.C. 3752(7), 12 U.S.C. 3758(1), 12 U.S.C. 3752(1), 12 U.S.C. 3758 (2)(A)(i), 12 U.S.C. 3758 (3)(A), Title 15 Fair Debt Collections Act, 28 USCA 1201(RESPA) Article 3 section 603 of the UCC

1.

The Defendant's shall not be a bona fide purchaser at foreclosure with notice of any adverse claim pursuant to 12 U.S.C. 3752(1).

2.

The Defendant BANK OF AMERICA did unlawfully violate Fair Debt Collections Act with foreclosure proceedings.

3.

The Defendant's BANK OF AMERICA did unlawfully violate Article 3 section 306 of the Uniform Commercial Code foreclosure proceedings.

4.

The Defendant's BANK OF AMERICA did unlawfully violate foreclosure proceedings conducted below true market vale of the property owned by the Plaintiff.

5.

The Defendant's BANK OF AMERICA did unlawfully violate C.C.C. 2924.3 foreclosure proceedings.

6.

The Defendant's BANK OF AMERICA did unlawfully violate C.C.C. 2924.3(d) foreclosure proceedings.

WHEREFORE the plaintiff demands the following relief

1. The honorable court award compensatory damages to the plaintiff in the amount of \$650,000 by entering a judgment against Defendant's BANK OF AMERICA
2. This honorable court issue a **Rule nisi to foreclosure**
3. Grant all relief this Court deems just and proper.

**VERIFICATION**

**(Affidavit)**

The undersigned Affiant CEY-01 by appellation does herewith swear, declare and affirm that the Affiant executes this Affidavit with sincere intent and competently states the matters set forth. I the undersigned being under oath and declare under penalty of perjury, that I **do not** have an attorney to represent me in this case. Also that the contents are true, correct and not misleading to the best of my knowledge.

*CEY-01, Dennis Gray, Admin*  
CEY-01, Dennis Gray, Administrator  
Petitioner  
Pro se

1 CEY-01, An Unincorporated Association, Pro se  
2 Dennis Gray, Administrator  
3 C/o 954 Surrey Drive  
4 Bonita, California state [91902]  
5 non-domestic without US

6 **IN UNITED STATES DISTRICT COURT**  
7 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

8  
9 **CERTIFICATE OF SERVICE**

10  
11 I, Jason Gray certify that this pleading was served by U.S. Mail with adequate postage  
12 there upon the Defendant, BANK OF AMERICA, by mailing a true copy to the Trustee Sale  
13 Officer address of record below as follows:

14  
15 This 17<sup>th</sup> day of April, 2008

16  
17 Jason Gray  
18 Jason Gray

19 Trustee Sale Officer:

20  
21 **NDEx West, L.L.C.**  
22 **15000 Surveyor Boulevard, Suite 500**  
23 **Addison, Texas 75001-9013**  
24 **(866) 795-1852**  
25  
26  
27  
28

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

CEY-01, Unincorporated Association

## DEFENDANTS

BANK OF AMERICA

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Guilford, N.C.

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

08 CV 0700 LAB LSP

(c) Attorney's (Firm Name, Address, and Telephone Number)

Dennis Gray, Administrator, C/o 954 Surrey Drive  
Bonita, California state [91902], (619) 399-1066

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |   |                                |   |                                |                                       |
|---|---|--------------------------------|---|--------------------------------|---------------------------------------|
| Citizen of This State                   | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4        |
| Citizen of Another State                | <input type="checkbox"/> 2                | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3                | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
12 USC 3752 (1)Brief description of cause:  
Wrongful foreclosure proceedings

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

04/17/2008

SIGNATURE OF ATTORNEY OF RECORD

CEY-01, Dennis Gray (Admin)

FOR OFFICE USE ONLY

RECEIPT #

149835

AMOUNT

\$350

APPLYING IFP

JUDGE

MAG. JUDGE

MS 4/17

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 149835 - MS  
\* \* C O P Y \* \*  
April 17, 2008  
09:10:57**

**Civ Fil Non-Pris**

USAO #.: 08CV0700-LAB

Judge...: LARRY A BURNS

Amount.: \$350.00 CA

**Total-> \$350.00**

FROM: CEY-01, UNINCORPORATED ASSOC.